

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MAURICE BOATWRIGHT,

Plaintiff,

-v.-

**9: 04-CV-0641
(TJM)(GJD)**

**J. GREY, Officer; OFFICER GRIFFEN; SGT. BROWN;
COUNSELOR LOCKLAND; COUNSELOR CARROLL;
R. DOLING; D. CARPENTER; G. GREENE, Supt.;
R. ROY; and DONALD SELSKY,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

Plaintiff commenced this civil rights action *pro se* on June 4, 2004. On June 14, 2004, the Court granted Plaintiff's *in forma pauperis* application and ordered the Clerk to issue summonses and forward them, along with copies of the complaint, to the United States Marshal for service upon the named defendants. See 6/14/04 Order. On July 9, 2004, the United States Marshal sent a notice to Plaintiff (and filed the notice with the Court) informing Plaintiff that he had failed to provide USM-285 forms, which are necessary for service by the United States Marshal, for all defendants. See *dk.* #6.

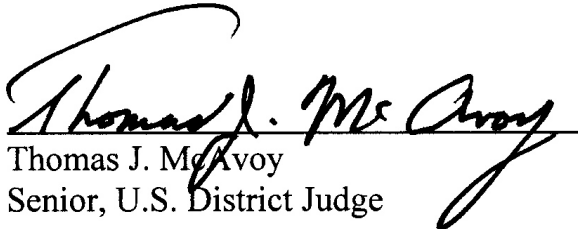
There is no indication in the record that Plaintiff ever provided these USM-285 forms or that service has been accomplished on all defendants. In fact, there had been action on this file from July 9, 2004 until the Court issued a "Notice of Dismissal" on August 1, 2006 advising Plaintiff that the action would be dismissed for failure to prosecute if he did not submit, on or before September 1, 2006, a written statement showing good cause why the action should not be dismissed. See

8/1/2006 Notice of Dismissal, dkt. #7 . Plaintiff has not responded. Therefore, it is hereby

ORDERED that the instant action is **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to diligently prosecute the matter.

IT IS SO ORDERED

DATED:December 13,2006


Thomas J. McAvoy
Senior, U.S. District Judge